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**LODGED**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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CLERK, U. S. DISTRICT COURT at  
DISTRICT OF HAWAII

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00248 DAE
	)	
Plaintiff,	)	APPLICATION AND ORDER
	)	REGARDING TEMPORARY TRANSFER
v.	)	OF CUSTODY TO THE STATE
	)	OF HAWAII REGARDING WRIT
SAMUEL K. KAAUWAI, III,	)	HABEAS CORPUS AD TESTI-
	)	FICANDUM; EXHIBITS A &
Defendant.	)	B; and ORDER
	)	

APPLICATION AND ORDER REGARDING TEMPORARY TRANSFER OF  
CUSTODY TO THE STATE OF HAWAII REGARDING WRIT OF HABEAS  
CORPUS AD TESTIFICANDUM

Glenn D. Choy, counsel for Defendant SAMUEL K. KAAUWAI, III, hereby moves the Honorable Court for an Order authorizing the temporary transfer of the physical custody of Defendant from the United States Marshal Service, District of Hawaii, to officials of the State of Hawaii at any time or times deemed necessary until the conclusion of S.P. No. 06-1-0193, Motion for Return of Property.

Defendant is now detained in the custody of the United States Marshal Service, District of Hawaii, pending sentencing.



Defendant has a hearing on his Motion for Return of Property, S.P. No. 06-1-0193 scheduled for July 27, 2006, 10:15 a.m., before the Honorable Derrick H. M. Chan, Judge of the Circuit Court of the First Circuit, State of Hawaii.

Defendant has obtained approval for a temporary transfer of custody from Assistant United States Attorney Marshal Silverberg. See Exhibit A.

This Application requests that this Honorable Court grant a temporary transfer of the physical custody of Defendant from the United States Marshal Service, District of Hawaii, to officials of the State of Hawaii, based on the Writ of Habeas Corpus ad Testificandum filed June 7, 2006, in the Circuit Court of the First Circuit, State of Hawaii. See Exhibit B.

Upon conclusion of S.P. No. 06-1-0193, Motion for Return of Property, Defendant will be returned to the United States Marshal Service, District of Hawaii, on a mutually agreed-upon date.

DATED at Honolulu, Hawaii: July 7, 2006.

  
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GLENN D. CHOY  
Attorney for SAMUEL K. KAAUWAI, III